



General Assembly

February Session, 2012

Amendment

LCO No. 3722

SB0025403722SD0

Offered by:

SEN. MEYER, 12th Dist.

To: Subst. Senate Bill No. 254

File No. 364

Cal. No. 269

**"AN ACT RESTRICTING THE APPLICATION OF FERTILIZERS
THAT CONTAIN PHOSPHATE."**

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. (NEW) (*Effective October 1, 2012*) (a) For the purposes of
4 this section:

5 (1) "Established lawn" means any area of ground that is covered
6 with any species of grass for two or more growing seasons and that is
7 customarily kept mowed;

8 (2) "Golf course" means an area solely designated for the play or
9 practice of the game of golf, including, but not limited to, surrounding
10 grounds, trees and ornamental beds; and

11 (3) "Organic lawn fertilizer" means fertilizer made from materials
12 derived from either plant or animal products containing naturally
13 occurring phosphorus.

14 (b) Notwithstanding chapter 427a of the general statutes, no person
15 shall apply fertilizer, as defined in section 22-111b of the general
16 statutes, that contains phosphate to an established lawn, except when:
17 (1) A soil test approved by the Commissioner of Agriculture and
18 performed within the previous one hundred eighty days indicates the
19 soil is lacking in phosphorus and fertilizer containing phosphate is
20 needed for the growth of such lawn, or (2) such fertilizer containing
21 phosphate is used for establishing new grass or repairing such lawn
22 with seed or sod.

23 (c) The provisions of this section shall not apply to: (1) Property
24 classified as agricultural land, as defined in section 22-26bb of the
25 general statutes, (2) a golf course, or (3) the application of organic lawn
26 fertilizer.

27 (d) Notwithstanding subsection (b) of this section, no person shall
28 apply any fertilizer, as defined in section 22-111b of the general
29 statutes, that contains phosphate to any lawn during the period
30 beginning November fifteenth and ending March fifteenth of the
31 following year.

32 (e) Notwithstanding chapters 427a and 441 of the general statutes
33 and subsections (b) and (d) of this section, no person shall apply any
34 fertilizer, as defined in section 22-111b of the general statutes, that
35 contains phosphate to any portion of a lawn that is located twenty feet
36 or less from any brook, stream, river, lake, pond, sound or any other
37 body of water.

38 (f) On and after October 1, 2012, any person who sells fertilizer, as
39 defined in section 22-111b of the general statutes, in a retail
40 establishment, shall only sell fertilizer that contains phosphate if such
41 sale is for a purpose exempted pursuant to subsection (b) or (c) of this
42 section.

43 (g) The Commissioner of Agriculture may adopt regulations, in
44 accordance with chapter 54 of the general statutes, to implement the
45 provisions of this section.

46 (h) Any person who violates subsection (b), (d), (e) or (f) of this
47 section shall be assessed a civil penalty by the Commissioner of
48 Agriculture of five hundred dollars.

49 Sec. 2. Subsection (c) of section 22a-478 of the general statutes is
50 repealed and the following is substituted in lieu thereof (*Effective from*
51 *passage*):

52 (c) The funding of an eligible water quality project shall be pursuant
53 to a project funding agreement between the state, acting by and
54 through the commissioner, and the municipality undertaking such
55 project and shall be evidenced by a project fund obligation or grant
56 account loan obligation, or both, or an interim funding obligation of
57 such municipality issued in accordance with section 22a-479. A project
58 funding agreement shall be in a form prescribed by the commissioner.
59 Eligible water quality projects shall be funded as follows:

60 (1) A nonpoint source pollution abatement project shall receive a
61 project grant of seventy-five per cent of the cost of the project
62 determined to be eligible by the commissioner.

63 (2) A combined sewer project shall receive (A) a project grant of fifty
64 per cent of the cost of the project, and (B) a loan for the remainder of
65 the costs of the project, not exceeding one hundred per cent of the
66 eligible water quality project costs.

67 (3) A construction contract eligible for financing awarded by a
68 municipality on or after July 1, [1999] 2012, as a project undertaken for
69 [nitrogen] nutrient removal shall receive a project grant of thirty per
70 cent of the cost of the project associated with [nitrogen] nutrient
71 removal, a twenty per cent grant for the balance of the cost of the
72 project not related to [nitrogen] nutrient removal, and a loan for the
73 remainder of the costs of the project, not exceeding one hundred per
74 cent of the eligible water quality project costs. [Nitrogen] Nutrient
75 removal projects under design or construction on July 1, [1999] 2012,
76 and projects that have been constructed but have not received
77 permanent, Clean Water Fund financing, on July 1, [1999] 2012, shall

78 be eligible to receive a project grant of thirty per cent of the cost of the
79 project associated with [nitrogen] nutrient removal, a twenty per cent
80 grant for the balance of the cost of the project not related to [nitrogen]
81 nutrient removal, and a loan for the remainder of the costs of the
82 project, not exceeding one hundred per cent of the eligible water
83 quality project costs.

84 (4) If supplemental federal grant funds are available for Clean Water
85 Fund projects specifically related to the clean-up of Long Island Sound
86 that are funded on or after July 1, [2003] 2012, a distressed
87 municipality, as defined in section 32-9p, may receive a combination of
88 state and federal grants in an amount not to exceed fifty per cent of the
89 cost of the project associated with [nitrogen] nutrient removal, a
90 twenty per cent grant for the balance of the cost of the project not
91 related to [nitrogen] nutrient removal, and a loan for the remainder of
92 the costs of the project, not exceeding one hundred per cent of the
93 allowable water quality project costs.

94 (5) A municipality with a water pollution control project, the
95 construction of which began on or after July 1, 2003, which has (A) a
96 population of five thousand or less, or (B) a population of greater than
97 five thousand which has a discrete area containing a population of less
98 than five thousand that is not contiguous with the existing sewerage
99 system, shall be eligible to receive a grant in the amount of twenty-five
100 per cent of the design and construction phase of eligible project costs,
101 and a loan for the remainder of the costs of the project, not exceeding
102 one hundred per cent of the eligible water quality project costs.

103 (6) Any other eligible water quality project shall receive (A) a project
104 grant of twenty per cent of the eligible cost, and (B) a loan for the
105 remainder of the costs of the project, not exceeding one hundred per
106 cent of the eligible project cost.

107 (7) Project agreements to fund eligible project costs with grants from
108 the Clean Water Fund that were executed during or after the fiscal year
109 beginning July 1, 2003, shall not be reduced according to the provisions

110 of the regulations adopted under section 22a-482.

111 (8) On or after July 1, 2002, an eligible water quality project that
112 exclusively addresses sewer collection and conveyance system
113 improvements may receive a loan for one hundred per cent of the
114 eligible costs provided such project does not receive a project grant.
115 Any such sewer collection and conveyance system improvement
116 project shall be rated, ranked, and funded separately from other water
117 pollution control projects and shall be considered only if it is highly
118 consistent with the state's conservation and development plan, or is
119 primarily needed as the most cost effective solution to an existing area-
120 wide pollution problem and incorporates minimal capacity for growth.

121 (9) All loans made in accordance with the provisions of this section
122 for an eligible water quality project shall bear an interest rate of two
123 per cent per annum. The commissioner may allow any project fund
124 obligation, grant account loan obligation or interim funding obligation
125 for an eligible water quality project to be repaid by a borrowing
126 municipality prior to maturity without penalty."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2012</i>	New section
Sec. 2	<i>from passage</i>	22a-478(c)